SEP 2 2 2003

28 78

PATENT APPLICATION

ATTORNEY DOCKET NO.   10013070 -1

3181

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED OCT -1 2003 TECHNOLOGY CENTER 2800

Inventor(s):   Kurt E. Spears et al   **Confirmation No.: 3181**

Application No.: 09/919008   **Examiner:** Luu, Thanh X

Filing Date: Jul 31, 2001   **Group Art Unit:** 2878

Title: Optical Image Scanner With Variable Focus (as Amended)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X)   Response/Amendment   (X)   Petition to extend time to respond

(X)   New fee as calculated below   ( )   Supplemental Declaration

( )   No additional fee   (Address envelope to "Mail Stop Non-Fee Amendment")

( )   Other: _____ (fee $_____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	17 MINUS		30	= 0	X $18	$ 0
INDEP. CLAIMS	7 MINUS		7	= 0	X $84	$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ $280	$ 0
EXTENSION FEE	1ST MONTH $110.00	2ND MONTH $410.00	3RD MONTH $930.00	4TH MONTH $1450.00		$ 0
					OTHER FEES	$
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		$ 0

Charge $____0____ to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: **9/15/2003**

Typed Name: **Donna M Kraft**

Signature: Donna M Kraft

Respectfully submitted,

Kurt E. Spears et al

By _Augustus W Winfield_

Augustus W Winfield

Attorney/Agent for Applicant(s)
Reg. No.   **34,046**

Date: **9/15/2003**

Telephone No.: **(970) 898-3142**

Rev 05/03 (TransAmd)

- Attach as First Page to Transmitted Papers -

PATENT APPLICATION

ATTORNEY DOCKET NO. 10013070-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Kurt E. Spears & Steven L. Webb**

Serial No.: 09/919,008

Examiner: Luu, Thanh X.

Filing Date: 07/31/01

Group Art Unit: 2878

Title: **OPTICAL IMAGE SCANNER WITH ADJUSTABLE FOCUS**

RESPONSE TO OFFICE ACTION

THE ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

Sir:

REMARKS

No amendments have been made. Claims 1, 3-4, 9, 11-12, and 17-18 remain in the application. Reconsideration and reexamination is respectfully requested.

In paper 8, claims 1, 9, 17 and 18 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 5,362,958 (Ando). Applicant respectfully traverses.

In claims 1, 9, 17, and 18, the optical head travels substantially parallel to the platen. In Ando, there is a reading section 1, and an original position detecting section 2. The image reading section 1 travels in a path where the distance between the reading section 1 and the image varies continuously dependent on the continuously changing position of the image, and accordingly does not travel substantially parallel to the platen.

In claims 1, 9, 17, and 18, the distance between an optical head and the platen is one distance for one direction of travel and a different distance for a second direction of travel. In Ando, the original position detecting section 2 has a constant distance from the image.

The examiner cites Ando figures 5, 6, and 7. Figures 2, 5(a), 5(b), 6(a), and 6(b) show a single direction of travel for scanning, and the description of figures 2, 5(a), 5(b), 6(a) and 6(b) expressly teaches a single direction of travel for scanning. See, for example,